

RUNE et al
Serial No. 09/812,937

Atty Dkt: 2380-228
Art Unit: 2665

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Cancel claims 1 - 45 without prejudice or disclaimer.
3. Add new claims 46 - 90, which have similar subject matter to corresponding claims 1 - 45.
4. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Both independent method claim 46 and independent claim apparatus claim 67 specify that parameters involved in the claims are those for controlling an in-and-out-of-synchronization detection algorithm for a "radio link set". The term radio link set was employed in the original claims as an appositive for "set of combined radio links". Moreover, to avoid any misconstruction of what constitutes a radio link set, both independent claims specify that a radio link set is a set of radio links which are combined in a softer handover operation performed at a base station of the Radio Access Network. Support for the independent claims and the "softer handover operation" appears throughout the specification, including (for example) page 9, lines 2 - 5 and the paragraph bridging pages 9 and 10 of the specification, from which it is understood that softer combining involves macro diversity combining in a base station. Applicant construes the new claims as being no narrower than those originally presented, in that the new claims merely expound terminology previously resident in the original claims.

Original claims 1-3, 6-8, 11-13, 16-18, 22-24, 27-29, 32-34 and 37-39 stood rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,456,826 to Toskala

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et al. All prior art rejections are respectfully traversed. Among other things, Applicants fail to ascertain how U.S. Patent 6,456,826 to Toskala et al. has anything whatsoever to do with softer handover or a radio link set involved in softer handover at a base station. Accordingly, U.S. Patent 6,456,826 to Toskala et al. cannot anticipate or suggest Applicants various techniques for determining parameters based either on cell based parameters of the cells of individual radio links of the radio link set (dependent claims 47 and 68); on cell based parameters of all cells in the base station (dependent claims 52 and 73), or on cell based parameters of any potential radio link in the base station (dependent claims 57 and 78), or combinations thereof (dependent claims 62 and 82).

Should the Examiner persist with a rejection premised on U.S. Patent 6,456,826 to Toskala et al., the Examiner is kindly request to explain explicitly how U.S. Patent 6,456,826 to Toskala et al. is construed to pertain to a radio link set involved in softer handover at a base station, and how Toskala derives control parameters for controlling an in-and-out-of synchronization detection therefore.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

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Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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By:



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